

**State of New Hampshire
Board of Licensure for Professional Engineers
Concord, New Hampshire 03301**

In the Matter of:
Ronald Bourgault, P.E.
No.: 12424
(Misconduct Allegations)

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of engineering, the New Hampshire Board of Licensure for Professional Engineers ("Board") and Ronald Bourgault, P.E. ("Mr. Bourgault" or "Respondent"), an engineer licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 310-A:22; RSA 310-A:22-a; and Engineering Administrative Rule ("Eng") 402, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by licensed engineers. Pursuant to Eng 402.02, the Board may impose disciplinary sanctions pursuant to a settlement agreement and without commencing a hearing.
2. The Board first granted Respondent a license as an engineer in the State of New Hampshire on February 8, 2008. Respondent holds license number 12424. Respondent practices engineering at ABS Consultants, located at 1530 16th Street, Suite 400, Denver, Colorado 80202.

3. On or after October 30, 2009, the Board received information that Mr. Bourgault was disciplined by the state of North Carolina on August 29, 2008 and that he failed to report this information on his application for license renewal.
4. In response to this, the Board conducted an investigation and obtained information from various sources pertaining to Respondent's questionable conduct.
5. The Board's investigation revealed and Respondent freely admits to the following facts:
 - A. On or about May 9, 2007, the State of South Dakota Board of Technical Professions ("South Dakota Board") issued a Consent Order that imposed discipline against Respondent's license to practice in that state.
 - B. On or about September 11, 2008, the State of North Carolina Board of Examiners for Engineers and Land Surveyors ("North Carolina Board") issued a Decision and Order that imposed discipline against Respondent's license to practice in that state.
 - C. On or about February 4, 2008 Respondent filed an on-line license application with the New Hampshire Board. Respondent failed to include truthful and correct information regarding the disciplinary action in South Dakota when answering applicable questions on his New Hampshire license application.
 - D. Respondent's National Council of Engineering and Surveying (NCEES) record which is included as part of Respondent's New Hampshire license application dated February 8, 2008 includes the NCEES 2007 Professional Engineer Annual Renewal Form completed and signed by the Respondent

dated July 12, 2007. When answering applicable questions on his NCEES 2007 Annual Renewal Form Respondent failed to include truthful and correct information regarding the disciplinary action in South Dakota.

E. On or about August 27, 2009 Respondent filed an on-line license renewal application with the NH Board. Respondent failed to include truthful and correct information regarding the disciplinary action in South Dakota and North Carolina when answering applicable questions on his New Hampshire license renewal.

6. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 310-A:22, II (i) and Eng. 501.02(c).

7. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent's engineering license in the State of New Hampshire.

8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 310-A:23:

A. Respondent is **reprimanded**.

B. Respondent is assessed an **administrative fine** in the amount of two thousand five hundred dollars (\$2,500.00). Respondent shall pay this fine in three installments; the first installment of (\$1,000.00) within (30) days of the effective date of this *Settlement Agreement*; the second installment of (\$1,000.00) within (60) days of the effective date of this *Settlement Agreement*.

and the final installment of (\$500.00) within (90) days of the effective date of this *Settlement Agreement*. All installments must be paid in full within ninety (90) days of the effective date of this *Settlement Agreement*, as defined further below, by delivering a money order or bank check, made payable to "Treasurer, State of New Hampshire," to the Board's office at 57 Regional Drive, Concord, New Hampshire 03301.

- C. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license.
 - D. Within ten (10) days of the effective date of this *Settlement Agreement*, as defined further below, Respondent shall furnish a copy of the *Settlement Agreement* to any current employer for whom Respondent performs services as an engineer and to any agency or authority which licenses, certifies or credentials engineers, with which Respondent is presently affiliated.
 - E. For a continuing period of one (1) year from the effective date of this *Settlement Agreement*, Respondent shall furnish a copy of this *Settlement Agreement* to any agency or authority that licenses, certifies or credentials engineers, to which Respondent may apply for any professional privileges or recognition.
9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 310-A:22, and a separate and sufficient basis for further disciplinary action by the Board.

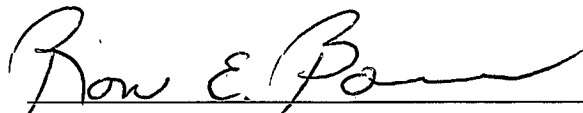
10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
13. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
14. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
15. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this *Settlement Agreement*.
16. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any

disclosures made to the Board during its review of this *Settlement Agreement* has prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.

17. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
18. Respondent certifies that he has read this document titled *Settlement Agreement*. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, quality and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.
19. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

FOR RESPONDENT

Date: 29 DECEMBER 2009


Ronald E. Bourgault, P.E.
Respondent

FOR THE BOARD/*

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: 1/15/10

Louise Lavertu
(Signature)

Louise Lavertu
(Print or Type Name)
Louise Lavertu, Executive Director
Authorized Representative of the
New Hampshire Board of Licensure for
Professional Engineers

/* Board member(s), recused.

Lee Carroll, P.E.